

Pranjal Kishore

Advocate

D/697/2016

C-32, Basement, Nizamuddin
East, New Delhi -110013
Phone No. : +91-9891-374383

Date: 07.11.2019

SPEED POST/EMAIL

1. Twitter Inc.

Through

Mr. Sean Jeffrey Edgett, Mr. Winston Sei Seng Foo and Mr. Anup Ashok
Malashetti, Directors

Twitter Communications India Pvt. Ltd.

C-20, G Block, Near MCA Bandra Kurla Complex,
Bandra (East), Mumbai, Maharashtra – 400051

Also at:

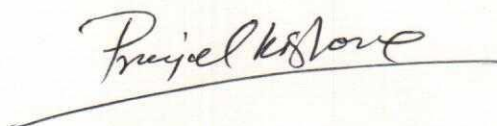
cramachandran@twitter.com and support@twitter.com

SUB: LEGAL NOTICE

Sir/Madam,

I act for and on behalf of my client Mr. Sanjay R Hegde, Senior Advocate, Resident of
A-13, Nizamuddin East, New Delhi - 13, and upon instructions; I serve upon you the
following notice:

1. My Client Mr. Sanjay R Hegde, is a Senior Advocate, designated by the
Hon'ble Supreme Court of India. He practices at the Apex Court and at other
courts across the country. Since July, 2010, my Client has been a member of
the micro-blogging and social networking site Twitter. He regularly uses his



Pranjal Kishore

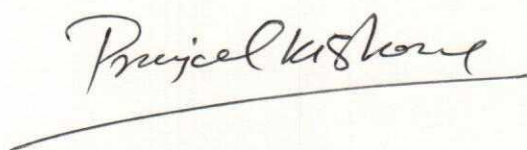
Advocate

D/697/2016

C-32, Basement, Nizamuddin
East, New Delhi -110013
Phone No. : +91-9891-374383

handle - @sanjayuvacha, as a medium to comment on topics of social and political relevance. He also uses the same to interact with members of public office and receive and disseminate information about various issues.

2. You, the Noticee Company run an online social networking and micro-blogging service –‘Twitter’. It has more than 321 million active users across the world. As per its website, “*Twitter's purpose is to serve the public conversation*”. Over the years, Twitter has emerged as one of the largest media of communication across the world and discharges a critical public function – dissemination of and access to information.
3. It is pertinent to note that Twitter members including my Client, use the platform to directly communicate with public representatives and government officials. Officials also provide ‘e-governance services’, including the publication of public policy, press releases etc. This is recognized in the “Framework and Guidelines for Use of Social Media by Government Departments” issued by the Department of Electronics and Information



Pranjal Kishore

Advocate

D/697/2016

C-32, Basement, Nizamuddin
East, New Delhi -110013
Phone No. : +91-9891-374383

Technology, Ministry of Electronics and Information Technology, Government of India. The guidelines note :

*"Given its characteristics to potentially give "voice to all", immediate outreach and 24*7 engagement, Social Media offers a unique opportunity to governments to engage with their stakeholders especially citizens in real time to make policy making citizen centric. Many governments across the world as well many government agencies in India are using various social media platforms to reach out to citizens, businesses and experts to seek inputs into policy making, get feedback on service delivery, create community based programmes etc."*

It is clear from the above that the website 'Twitter' run by you, the Noticee Company serves as a medium for citizens like my Client to communicate their grievances and concerns to elected officials and government representatives.

4. This notice pertains to the suspension of the Twitter Account of my Client. The account was first suspended on 26th October 2019. The suspension was purportedly for using a picture of August Landmesser as the 'cover picture' of my Client's account. You, the Noticee Company blocked the account citing a



Pranjal Kishore

Advocate

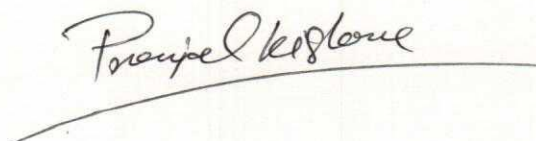
D/697/2016

C-32, Basement, Nizamuddin
East, New Delhi -110013
Phone No. : +91-9891-374383

violation of “rules against posting” and categorized the post as “hateful imagery”. The suspension was briefly revoked on 27th October 2019. However, you the Noticee Company once again suspended my Client’s account on 28th October 2019. This time, the suspension was on account of my Client ‘quote-tweeting’, a tweet which shared Gorakh Pandey’s poem ‘Usko Phaansi De Do’ along with its English translation ‘Hang Him’. On 5th November, 2019 my Client was informed that his account would not be restored.

5. It is worthwhile to mention here that as per your publically available rules, you the Noticee Company prohibit posts that exhibit any of the following :

- a. Violence
- b. Terrorism/violent extremism
- c. Child sexual exploitation
- d. Abuse/Harassment
- e. Hateful Conduct
- f. Suicide or self harm
- g. Sensitive media, including graphic violence and adult content
- h. Illegal or certain regulated goods or services



Pranjal Kishore

Advocate

D/697/2016

C-32, Basement, Nizamuddin
East, New Delhi -110013
Phone No. : +91-9891-374383

6. My Client's tweets fall under none of these categories. In the appeal that was instituted by my Client, it was pointed out to you the Noticee Company that the picture of August Landmesser does not fall under the category of 'hateful imagery'. The photograph in question was taken on 13 June, 1936 and shows a large gathering of workers at the Blohm Voss shipyard in Hamburg. Almost everyone in the image has raised his arm in the Nazi salute, with the most obvious exception of a man toward the back of the crowd, who grimly stands with his arms crossed over his chest. For decades, the photograph has seen as a symbol of resistance for the man's (Landmesser's) refusal to perform the "siege heil" salute before Hitler who was at the shipyard.

7. In the appeal, it was also pointed out that the poem 'Usko Phaansi De Do' by revolutionary Indian poet Gorakh Pandey, was written against the first death penalties meted out (to two peasant revolutionaries), in independent India. The same is reproduced below for ready reference:

"Hang Him

He says he wants bread and clothes

Not only that, he wants justice too

On top of that he wants genuine freedom too

Pranjal Kishore

Pranjal Kishore

Advocate

D/697/2016

C-32, Basement, Nizamuddin

East, New Delhi -110013

Phone No. : +91-9891-374383

Hang Him

He says he wants regular work

Not only work, he wants the fruits of his work

And then he wants untrammelled

Possession of both work and fruits

Hang Him

He says he doesn't want empty speeches

Nor false promises, violent rule

Nor a false democratic throne erected on

The burning breasts of hungry and naked people

Hang Him

He says he will march with everyone

Will change the system founded on oppression

He's no doubt allied with some foreign force

He will get just desserts for his treachery without delay

Come, patriotic executioners!

Trustworthy pawns of capital!

Hang him"

The poem is a comment against a capitalist system which denies basic rights to the poor. It is difficult to see how this violates twitter policy. Moreover, my Client had only 'quote-tweeted' the original tweet that was put up by a different user with the caption 'Hang Them'. The original tweet is still available to the public.

Pranjal Kishore

Pranjal Kishore

Advocate

D/697/2016

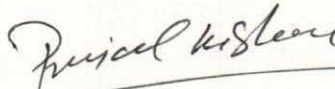
C-32, Basement, Nizamuddin
East, New Delhi -110013
Phone No. : +91-9891-374383

8. It is clear from the above that the suspension of my Client's twitter account is arbitrary, illegal and contrary to Twitter's own policies. The same is also an infringement of my Client's right to Freedom of Speech and Expression under Article 19 (1) (a) of the Indian Constitution. The Hon'ble Supreme Court of India has repeatedly held that even private bodies that discharge a public function are amenable to constitutional scrutiny. As has already been stated, you the Noticee Company, through its website 'Twitter' discharge an important public function, i.e. dissemination of and access to information.

9. In light of the above, you, the Noticee are hereby called upon :

- a) Restore my Client's Twitter Account @sanjayuvacha immediately and unconditionally
- b) Provide a public apology on your platform for stigmatizing my client's account and causing damage to his reputation.

Please note that in case of your failure to comply with this notice within 3 days of its receipt; my Client shall be constrained to initiate appropriate legal



Pranjal Kishore

Advocate


D/697/2016

C-32, Basement, Nizamuddin
East, New Delhi -110013
Phone No. : +91-9891-374383

proceedings, including seeking monetary damages which my Client is in the process of quantifying. My client reserves his right to file criminal proceedings of defamation, in addition to any civil proceedings that he may adopt. Needless to mention, that any such and proceeding, as and when initiated shall be entirely at your cost, risk and peril, without any further reference to you.

A copy of this notice is being retained in my chambers for future reference and appropriate action, if necessary.

Yours faithfully,


Pranjal Kishore
Advocate
D/697/2016

Copy to:

The Secretary,
Ministry of Electronics and Information Technology (MEITY)
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi - 110003